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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,272	02/06/2002	Gabriel Daemon Engel		7736

28581 7590 08/28/2006

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EXAMINER

NGUYEN, KEVIN M

ART UNIT PAPER NUMBER

2629

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/049,272	Applicant(s) ENGEL ET AL.	
	Examiner Kevin M. Nguyen	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,6-8,10,11,14-18 and 22-83 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,6-8,10,11,14-18 and 22-83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 June 2006 has been entered. An action on the RCE follows:
2. Claims 2, 3, 6-8, 10, 11, 14-18 and 22-83 are currently pending in the application. Applicant's arguments, see pages 11-12, with respect to independent claims 22, 38, 53, and 69 have been fully considered, but are moot in view of the new ground of rejection.
3. The objection of claim 7, 10, 37 and 52 is withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

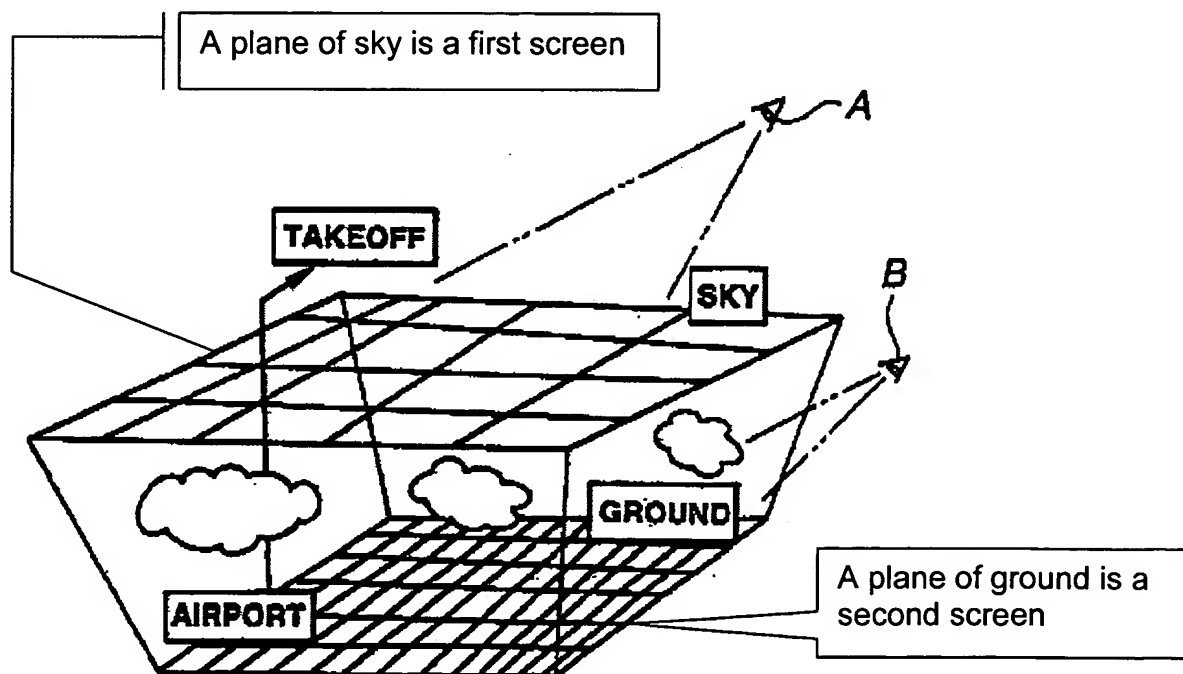
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2629

5. Claims 2, 6-8, 10, 14-16, 22, 23, 26-34, 36, 37, 51-54, 57-65, 67, 68, 82, and 83 are rejected under 35 U.S.C. 102(e) as being anticipated by Hinami et al (US 6,468,157) hereinafter Hinami.

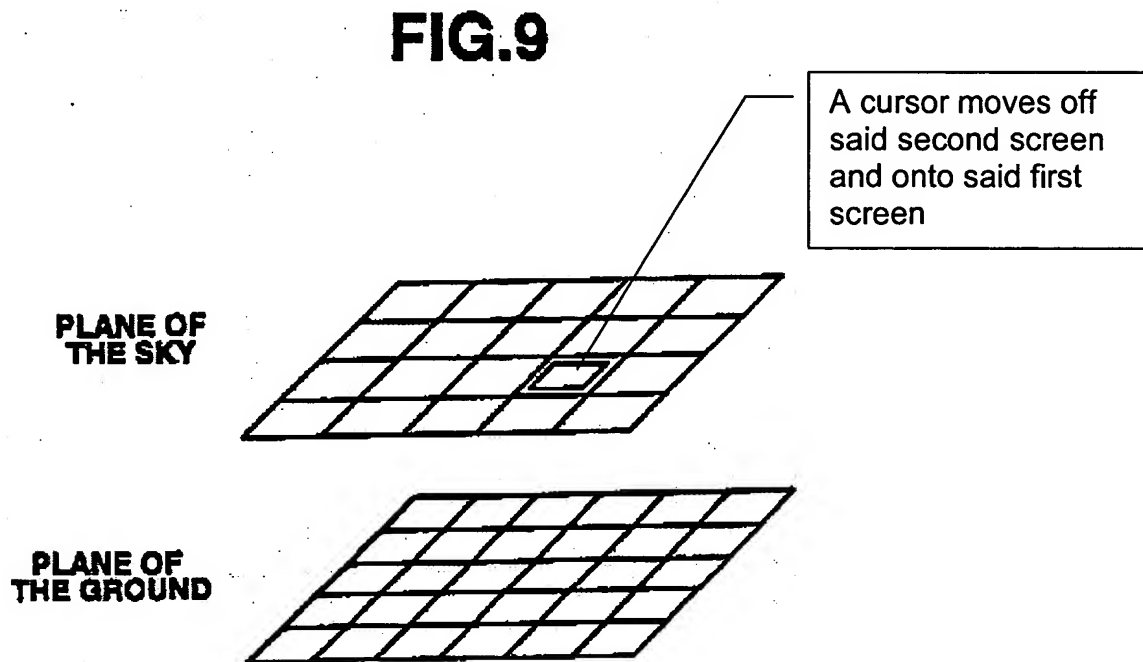
6. As to independent claims 22 and 53, figure 3 of Hinami discloses a visual display system associated with a method, the visual display system comprising:

a plurality of discrete screens spaced physically apart from one another *[a plane of a sky screen is separately spaced from a plane of a ground screen]*, each of the screens having a 2-dimensional plane *[each of said screen comprises x and y coordinate plane]*, at least one of said screens-being viewable through at least one of the other screens *[an operator "A" sees through a three dimensional virtual space, see col. 9, lines 27-33, and col. 10, lines 35-50 for more details of the explanation];*

FIG.3

Art Unit: 2629

a visual indicator *[a cursor is on the plane of the sky screen, see Fig. 9];* and
an input device *[a game controller (2b), fig. 1]* moves the visual indicator off the 2-dimensional plane of one of the plurality of screens and onto another one of the plurality of screens *[fig. 9 shows the cursor is on the plane of the ground screen is moving to the plane of the sky screen, or the cursor is on the plane of the sky screen is moving to the plane of the ground screen, col. 11, lines 50-65 for further details of the operation].*



7. As to claims 2, 10, 27-30, 43-46, and 58-61, Hinami teaches the visual indicator is said cursor.
8. As to claims 23 and 54, Hinami teaches said input device (2b) as a user selectable input.

Art Unit: 2629

9. As to claim 26, 42, and 57, Hinami teaches a user selecting said plane or screen by manipulating said input device (2b).

10. As to claims 8, 16, 31-33, 34, 47-50, and 62-65, Hinami teaches the visual indicators are two screen layers [see col. 10, lines 35-49].

11. As to claims 6, 7, 14, 15, 36, 37, 51, 52, 67, 68, 82, and 83, wherein the visual indicator move to a different z axis coordinate, but the same x-y coordinate, wherein the movement of the visual indicator from one screen to another screen gives the appearance of providing a visual bridge between the screens, whereas Hinami discloses the operator "A" is moved said cursor to different said screens in accordance with a z-axis coordinate (corresponding to the depths and a visual bridge as claimed), which is projected in the same said x and y screens in three dimensional virtual space (see col. 9, lines 25-37).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 3, 11, 24, 25, 35, 17, 18, 38-50, 55, 56, 66, and 69-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinami.

14. As to independent claims 38 and 69 share similar limitations to those included in claims 22 and 53 and therefore the rationale of rejection will be the same. Claims 38

Art Unit: 2629

and 69 has the added limitation software supplemental to software drivers for the input device to cause the visual indicator to move from one of the plurality of screens and onto another one of the plurality of screen.

However, Hinami teaches the hardware comprising the user input device such as the game controller (2b). It may be realized by using hardware and by using the software on the computer are logically equivalent. Moreover, those skilled in the computer art it is obvious that such an implementation can be expressed in terms of either computer program (software) or a computer circuitry (hardware) implementation, the two being functional equivalent of one another. See *In re Ruff*, 256 F. 2d 590, 118 USPQ 340, 343 (CCPA 1958).

15. As to claims 3, 11, 17, 18, 24, 25, 40, 41, 55, 56, 71, and 72, Hinami fails to teach the user input device such as a computer mouse, and a pen. Official Notice is taken that both the concept and the advantage of providing for a computer mouse, and a pen are well known and expected in the art. It would have been obvious to have included an optional peripheral input devices in Hinami as the computer mouse and the pen are known to provide the operator with collecting peripheral data or the like in a communication format in accordance with the type of peripheral (see Hinami, col. 6, lines 1-14).

16. As to claims 43-46 and 74-77, Hinami teaches the visual indicator which is said cursor.

17. As to claims 39 and 70, Hinami teaches said input device (2b) as a user selectable input.

Art Unit: 2629

18. As to claims 42 and 73, Hinami teaches a user can select two screen layers by manipulating said input device (2b), figure 3.

19. As to claims 47-50 and 78-81, Hinami teaches the visual indicators are said two screen layers, figure 3.

20. As to claims 35 and 66, share similar limitations to those included in claims 38 and 69 and therefore the rationale of rejection will be the same.

Response to Arguments

21. Applicant's arguments with respect to claims 2, 3, 6-8, 10, 11, 14-18 and 22-83 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. NGUYEN whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, a supervisor RICHARD A. HJERPE can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin M. Nguyen
Patent Examiner
Art Unit 2629

KMN
August 22, 2006